United Nations A/60/670–S/2006/81

General Assembly
Security Council

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General Assembly
Sixtieth session
Agenda item 14
The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a detailed statistical table showing the number of Israeli violations of Lebanese sovereignty which occurred during January 2006, i.e., a total of 61 violations (see annex).

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1655 (2006), and go against the Secretary-General's repeated calls for their cessation, most recently in his report of 18 January 2006 (S/2006/26). Lebanon counts on the United Nations to compel Israel to desist from those violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Caroline **Ziadeh**
Chargé d'affaires a.i.

06-23528 (E) 070206 070206

Annex to the identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations of Lebanese sovereignty during January 2006

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
13	17	7	37	10	-	11	3	61

The sole new element in the newly submitted Turkish proposals is the set of the remaining four points of the "action plan", which are described as "procedural steps for the implementation". These points are particularly troubling, in that Turkey invites the Secretary-General to adopt, endorse and promote the Turkish proposals through the convening of a "high-level meeting with the participation of Turkey, Greece, the Turkish Cypriot side and the Greek Cypriot side", the outcome of which would be subsequently endorsed by the Security Council. In fact, these proposals are an obvious effort by Turkey to involve the United Nations Secretary-General and the Security Council on its side in an issue which concerns the European Union. Turkey attempts to subdue its legal obligations towards the EU for the accomplishment of its unchanging objectives in Cyprus, that is the promotion of a separate Turkish Cypriot entity in the occupied area of Cyprus, hiding its true intentions under the guise of the so-called ending of the isolation of the Turkish Cypriots. We believe that the United Nations has no role in this issue since the Secretary-General is mandated by the Security Council with a mission of good offices for finding a Cyprus settlement through negotiations between the two communities on the island. The United Nations should not be drawn into an issue involving Turkey's responsibilities towards the EU.

The idea of a quadripartite meeting, a long-term objective of Turkish foreign policy, cannot be accepted. It aims to equate the status of the Republic of Cyprus with that of the Turkish Cypriot community, either by downgrading the status of the Republic of Cyprus or by upgrading the status of the secessionist entity, possibly short of political recognition, as full separate statehood status, at this stage, would deprive the Turkish Cypriots of benefits deriving from the accession of Cyprus to the EU.

In addition, Turkey attempts to render legitimacy to the secessionist entity by granting to it governmental functions such as the control of ports and airports, in contravention to Security Council resolutions, in particular resolutions 541 (1983) and 550 (1984) and relevant international conventions. Under international law, every State in exercising its sovereignty has the indisputable right to determine which of its ports and airports are open and functioning, as well as to define the terms of operation and access for these ports and airports. In exercising its sovereignty, the Republic of Cyprus has declared closed to international traffic its ports in Kyrenia, Famagusta and Karavostasi and has not designated any airports in the occupied areas of Cyprus as open and functioning since 1974. The Government of the Republic of Cyprus has undertaken specific legal obligations towards the international community and the EU, which it must fulfil at all times, especially on the safety of shipping, customs, transboundary international crime, security, illegal immigration, narcotic drugs trafficking and terrorism.

It should be noted that what is erroneously described by the Turkish side as "isolation" of the Turkish Cypriots is, in fact, nothing more than the consequence of the illegal Turkish military occupation of northern Cyprus and the purported declaration of an "independent state". It is a self-inflicted wound of their policy of pursuing status rather than pursuing settlement. The Government of Cyprus is fully committed to, and working towards, the economic development of the Turkish Cypriot community, but it should be stressed again that the pursuit of this objective cannot be at the expense or in the form of erosion of Security Council resolutions (in particular resolutions 541 (1983) and 550 (1984)). It should be achieved in full respect of legality and though measures that do not infringe upon the sovereign

rights of the Republic of Cyprus or assist in any way the secessionist aims of Turkey and the Turkish Cypriot leadership.

The reference to "special arrangements for the practical inclusion of North Cyprus, as an economic entity, into the European Union's custom union" (fifth point of the action plan in the Turkish proposals) is particularly enlightening as to the true Turkish intentions, since it insinuates that there exists in the occupied area of Cyprus a separate entity, which is not part of the territory of the Republic of Cyprus. It should be recalled in this regard that under the Cyprus accession treaty the entirety of the territory of the Republic of Cyprus is part of the European Union but the application of the *acquis communautaire* is temporarily suspended in the area north of the ceasefire line (known as the Green Line) due to the Turkish occupation and the ensuing impossibility for the Government of Cyprus to exercise effective control in that area.

The European Union and its member States have repeatedly stressed that they "expect from (Turkey) full, not discriminatory implementation of the Additional Protocol and the removal of all obstacles to the free movement of goods, including restriction of means of transport". Mr. Oli Rehn, member of the European Commission responsible for enlargement, during the meeting of the EU-Turkey joint Parliamentary Committee in Brussels, on 23 November 2005, stated the following: "By opening accession negotiations, the EU kept its word and respected its commitment. Now we expect Turkey to honour its commitments; to begin with, as mentioned in the Accession Partnership, Turkey must ensure the implementation of commitments undertaken under the Association Agreement, including the customs union. This applies, in particular, to the crucial issue of the ratification and full implementation of the Additional Protocol to the Ankara Agreement, including lifting the restrictions on Cypriot vessels docking at Turkish ports".

The Government of Cyprus has consistently been promoting specific and concrete measures aiming at building confidence between the two communities in Cyprus and advancing the economic development of the Turkish Cypriots. This is an ongoing process pursued in a way that is consistent and in compliance with international norms and EU and Cyprus domestic law.

Furthermore, since April 2004, the Government of the Republic of Cyprus gave its agreement and asked for the immediate adoption of the EU financial regulation in support of the Turkish Cypriot community, amounting to €259 million. Unfortunately, a series of efforts, with the active support of the Republic of Cyprus, to make progress on this issue failed on two occasions in 2005, due to the intransigence of the Turkish side.

The Cyprus Government remains committed to the full implementation of the "Green Line" regulation, which allows trade of products within the island and exports of Turkish Cypriot products through the legal ports and airports of the Republic of Cyprus. We urge the Turkish side to lift the obstacles it has created for two-way trade between the two communities.

The Government of Cyprus has shown its good will with the proposal of President Papadopoulos, in August 2004, concerning Varosha. Moreover, we have accepted the compromise proposed by the EU Luxembourg Presidency last June and reiterated our support to the understanding reached with the Commission last December, involving the opening of the Famagusta port, under EU auspices, the

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Agenda item 19
Question of Cyprus

Security Council
Sixty-first year

Letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith an aide memoire on the position of the Government of the Republic of Cyprus, concerning the Turkish proposals on Cyprus, submitted to you on 20 January 2006 (see annex).

I should be grateful if this letter and the attached aide memoire could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

06-23591 (E) 080206

Annex to the letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Aide memoire

30 January 2006

The position of the Government of Cyprus regarding the proposals submitted by the Turkish Government to the Secretary-General on 20 January 2006

The Government of the Republic of Cyprus wishes to outline the basic parameters of its position regarding the proposals of the Turkish Government submitted to the United Nations Secretary-General by the Permanent Representative of Turkey to the United Nations, on 20 January 2006, and subsequently presented by the Minister for Foreign Affairs of the Republic of Turkey, Abdullah Gül, during a press conference held in Ankara on 23 January 2006.

The Government of the Republic of Cyprus takes note of Mr. Gül's statement, during the said press conference, that "priority should be given to finding a comprehensive settlement which would be lasting and just" and that "such a settlement in Cyprus under the good-offices mission of the United Nations Secretary-General is still attainable". It also shares Mr. Gül's "satisfaction that the United Nations Secretary-General remains engaged with the issue and he is prepared to re-launch the process once the conditions are suitable".

It is, however, difficult to see how these proposals might serve any of the above objectives. After thoroughly examining them, we have come to the conclusion that they neither contribute to the creation of the appropriate conditions for the resumption of negotiations, nor do they reflect a genuine interest in the substance of the problem they claim to address. They are problematic in terms of procedure, principle and substance. Their effect is to widen the gap between the respective positions of the Cypriot and Turkish Governments rather than assist in creating common ground. Therefore, the Government of the Republic of Cyprus is not in a position to accept the above-mentioned proposals.

There is nothing in these proposals that could be interpreted as even a slight movement of the Turkish side from their long held intransigent positions or as an expression of any willingness to address, discuss or accommodate any of the core concerns of the Greek Cypriots. On the contrary the Turkish proposals completely disregard the nature and the main parameters of the Cyprus problem. They do not seek reunification or rapprochement but the realization of goals that merely solidify Turkish interests on Cyprus while evading the fulfilment of the most essential conditions that govern Turkey's accession process to the European Union

The first six points in the "action plan" described in the Turkish proposals are a mere repetition of previous proposals submitted by the Turkish Minister for Foreign Affairs to the Secretary-General, last May (A/59/820-S/2005/355). The response of the Cyprus Government to the proposals submitted then is still valid (see A/59/857-S/2005/422).

return of Varosha to its lawful inhabitants and a moratorium on the exploitation of Greek Cypriot properties in the occupied areas of the Republic.

Our major contribution to the collective effort for the creation of the appropriate conditions and the preparation of the ground for the resumption of the United Nations negotiations remains, however, the political will and courage demonstrated by the Republic of Cyprus, in its capacity as an EU member State, when significant decisions were to be taken by the European Union concerning the opening of accession negotiations with Turkey. In spite of our predicament we have consistently adopted a constructive approach. It is high time now that Turkey honours its own commitments and obligations stemming from its accession negotiations with the European Union, including the unconditional ratification and implementation of the Additional Protocol to the Ankara Agreement extending the customs union to the 10 new EU member States, providing for the immediate removal of all restrictions on Cyprus flagged vessels and vessels serving Cyprus trade, as well as the lifting of all discriminatory measures against member States' carriers on the basis of their nationality. Turkey needs also to stop vetoing Cyprus participation in international organizations and take steps towards normalization of bilateral relations between Turkey and Cyprus, as called for in the Accession Partnership.

In conclusion, we firmly believe that the content of the Turkish proposals cannot be considered as falling within the framework of the Secretary-General's mission of good offices and does not constitute any positive movement from the Turkish side, nor does it represent a genuine contribution towards the settlement of the Cyprus problem. It is obvious that the insistence of Turkey on the projection of a separate entity in the occupied part of Cyprus using as a pretext the so-called isolation of the Turkish Cypriot community, and its attempt to exchange the achievement of this goal in return for the fulfilment of its contractual obligations towards the European Union, is a counterproductive and sterile approach and does not serve the purpose of our collective efforts to create the right conditions for the resumption of the United Nations negotiations on Cyprus.

The Government of the Republic of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem. It reiterates its willingness to engage, following thorough preparation of the ground, in meaningful and substantive negotiations, without arbitration and strict deadlines, in order to reach a comprehensive settlement in accordance with the Security Council resolutions and the principles upon which the EU was founded.

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Sixtieth session
Agenda item 45
Follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS

Note verbale dated 28 December 2005 from the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General

The Permanent Mission of El Salvador to the United Nations presents its compliments to the Secretary-General of the United Nations and transmits herewith a copy of the Declaration of San Salvador (see annex), adopted by the Heads of State and Government of the States members of the Central American Integration System, meeting in San Salvador on 11 November 2005 in the framework of the Fourth Central American Congress on STIs and HIV/AIDS, the Fourth Central American Meeting of People Living with HIV/AIDS and the Third Latin American and Caribbean Forum on STIs and HIV/AIDS.

In this regard, the Permanent Mission of El Salvador requests the Secretary-General to have this letter and its annex circulated as a document of the General Assembly under item 45 of the agenda of the sixtieth session.

06-23644 (E) 140206 150206

Annex to the letter dated 28 December 2005 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

Extraordinary summit of Heads of State and Government of the States members of the Central American Integration System (SICA) San Salvador, El Salvador, 11 November 2005

Draft declaration of San Salvador

We, the Heads of State and Government of the States members of the Central American Integration System (SICA), meeting in San Salvador on 11 November 2005 on the occasion of the Fourth Central American Congress on STIs and HIV/AIDS, the Fourth Central American Meeting of People Living with HIV/AIDS and the Third Latin American and Caribbean Forum on STIs and HIV/AIDS,

Considering

1. That HIV/AIDS is a worldwide epidemic that constitutes a major challenge for the SICA member States, has a devastating impact on thousands of infected and directly affected people and takes an enormous social and economic toil that requires a harmonized, coordinated and urgent response, at both the institutional and individual levels;

2. The commitment made by all countries of the world, at the United Nations Millennium Summit in 2000, with regard to the Millennium Development Goals for 2015, which call on us to halt and begin to reverse the spread of HIV/AIDS;

3. The commitment made by all countries of the world at the special session of the General Assembly on HIV/AIDS, held in June 2001, to meet the specific time-bound targets enumerated in the Declaration of Commitment on HIV/AIDS;

4. The commitment made by all countries of the world at the 2005 World Summit in relation to HIV/AIDS, in particular with regard to:

(1) Fully implementing all commitments established by the Declaration of Commitment on HIV/AIDS through stronger leadership, the scaling up of a comprehensive response to achieve broad multisectoral coverage for prevention, care, treatment and support, and the mobilization of additional resources from national, bilateral, multilateral and private sources;

(2) Developing and implementing a package for HIV prevention and care with the aim of coming as close as possible to the goal of universal access to treatment by 2010;

(3) Working actively to implement the "Three Ones" principles in all countries, including by ensuring that multiple institutions and international partners all work under one agreed HIV/AIDS framework, with one national coordinating authority having a broad-based multisectoral mandate, and under one agreed country-level monitoring and evaluation system;

5. The acknowledgement at the Summit of the Americas in 2001 that HIV/AIDS represents a major threat to the security of our people and the commitment to be

united in our resolve to adopt multisectoral strategies and to develop our cooperation to combat this disease and its consequences;

6. The commitment made by the Heads of State and Government of the Americas at the Special Summit held in Monterrey to intensify prevention, care and treatment efforts within the hemisphere; and the appeal to the Global Fund to Fight AIDS, Tuberculosis and Malaria to identify criteria to enable the countries of Latin America and the Caribbean to have greater access to its resources;

7. The commitment made by the eight countries of Meso-America, members of the Puebla-Panama Plan, to design and put in place cooperation mechanisms for the implementation of joint initiatives to combat HIV/AIDS;

8. Our commitment, made at various summits and reiterated at our twenty-sixth regular meeting, held in Tegucigalpa on 30 June 2005, to "step up actions aimed at more effectively combating the HIV/AIDS pandemic and the challenge that it represents, and improving treatment for people living with the virus";

9. The efforts made by the various bodies of the Central American Integration System, in coordination with international cooperation agencies and civil-society organizations in the region, to give effect to the resolutions adopted at the presidential summits for the purpose of protecting the people of Central America from the threat of the HIV/AIDS pandemic;

Declare:

1. Our firm commitment to continue working to combat HIV/AIDS, pursuing all State efforts as a matter of urgency and ensuring that national and regional responses are harmonized and coordinated;

2. Our conviction that the stigma and discrimination suffered by people infected with or affected by HIV/AIDS impose a heavy burden that is totally unacceptable, for which reason we will take all necessary steps, through legal measures and through education, information and communication, to ensure that the issue is addressed more effectively throughout the population, with the aim of reducing discriminatory attitudes and improving awareness of and access to rights protection for people living with HIV/AIDS;

3. Our commitment to refocus our HIV/AIDS prevention efforts, including specific programmes designed and managed with the active participation of the groups most vulnerable to HIV and people living with HIV/AIDS, as well as prevention programmes for the general public based primarily on the ABC approach (Abstain, Be faithful, use a Condom);

4. Our acknowledgement that the impact of HIV on children is one of the most devastating effects of the epidemic and our agreement to fully support the world campaign on children and AIDS, within the framework of the Millennium Development Goals;

5. Our commitment to make significant progress towards achieving the goal of universal access to HIV/AIDS treatment by 2010 and our firm intention to meet that goal as soon as possible, including by the following means:

(1) Prompt initiation of a process of harmonizing HIV/AIDS management and treatment in all SICA member States in order to improve access, quality and

coverage by taking advantage of opportunities to achieve economies of scale and engage in joint price negotiations;

(2) Cooperation among the region's various health systems in order to achieve a real increase in the capacity to provide treatment for HIV/AIDS;

(3) Support for coordination efforts among the countries of the region in order to facilitate the acquisition and appropriate distribution of drugs and testing equipment;

(4) Our commitment to improve access to HIV/AIDS drugs at reasonable prices, including the use of the flexibilities associated with intellectual property, as considered in the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health, as well as subsequent agreements of the World Trade Organization and the side letters to the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), which confirm the parties' commitment to ongoing access to such flexibilities;

6. Our recognition of the commendable efforts of the Council of Central American Ministers of Health (COMISCA), the General Secretariat of the Central American Integration System, the SICA Secretariat for Social Integration in Central America (SISCA) and the heads of national HIV/AIDS programmes, and our appreciation to the various international specialized agencies and regional civil-society associations working in the field of health and to the World Bank for its support for the formulation and implementation of the Regional HIV/AIDS Project for Central America, an invaluable instrument that will help protect and improve the health of the people of Central America;

7. Our commitment to maintain and scale up financial resources from national sources that are earmarked for the HIV/AIDS response and thereby meet the goal of universal access to prevention and treatment;

8. Our commitment to adhere to the "Three Ones" principles and, by extension, our commitment to share our experiences and best practices with regard to strengthening national authorities to guide the HIV/AIDS response effectively, monitoring and evaluating that response and maximizing the effectiveness of national strategic frameworks;

9. Our agreement to set up a network to promote cooperation among SICA member States on the HIV/AIDS response, with the participation of health and other government authorities, civil-society representatives — in particular, people living with HIV — and a mechanism for consultation with international cooperation agencies and the Joint United Nations Programme on HIV/AIDS (UNAIDS), in order to facilitate:

(1) Exchange of experiences and lessons learned;

(2) Exchange of practices and procedures relating to the acquisition of drugs and other supplies, with the aim of harmonizing such procedures and taking advantage of opportunities to improve prices and the delivery of supplies across the region;

(3) Elaboration of joint responses to the region's mobile and migrant populations;

10. As leaders of the people that we represent, we unite in one voice to call on pharmaceutical companies to find ways of reducing the price of antiretroviral drugs in the region so that universal access to those drugs can be achieved;

11. Lastly, we call on bilateral and multilateral international cooperation agencies, the Global Fund to Fight AIDS, Tuberculosis and Malaria and friendly countries to redouble their efforts to provide technical and financial support to the region in order to reduce the incidence of new HIV infections and to improve treatment for people living with HIV.

We, the leaders of the States members of SICA, wish to thank Dr. Peter Piot, Under-Secretary-General of the United Nations and Special Envoy of the Secretary-General, for participating in the events now being finalized and in the summit held today.

The Heads of State and Government of Belize, Guatemala, Honduras, Nicaragua, Costa Rica, Panama and the Dominican Republic, as well as special guests, wish to express their deep appreciation to the people and Government of El Salvador for their hospitality during this meeting.

Done at San Salvador, El Salvador, on 11 November 2005.

Vildo Marin
Minister of Health of Belize

Abel Pacheco de la Espriella
President of Costa Rica

Elías Antonio Saca
President of El Salvador

Oscar Berger Perdomo
President of Guatemala

Merlin Fernández
Minister of Health of Honduras

Alfredo Gómez
Vice-President of Nicaragua

Camilo Alleyne Marshall
Minister of Health of Panama

Honorary witnesses:

Peter Piot
Executive Director of UNAIDS

Jorge Odir Miranda
Civil society representative

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Sixtieth session
Agenda items 42 and 43

Global Agenda for Dialogue among Civilizations

Culture of peace

Letter dated 7 February 2006 from the Permanent Representatives of Spain and Turkey to the United Nations addressed to the Secretary-General

In the wake of the publication of the cartoons of the Prophet Mohammed in the press of certain countries and the ensuing incidents, we have the honour to enclose herewith the article entitled "A Call for Respect and Calm", which was co-authored by the Prime Ministers of Turkey and Spain, Mr. Recep Tayyip Erdoğan and Mr. José Luis Rodríguez Zapatero, and published in the *International Herald Tribune* on 6 February 2006 (see annex).

Turkey and Spain initiated the project for an Alliance of Civilizations which is now placed under your auspices, and you have appointed a High-level Group to elaborate a report with proposals for action. This crucial time shows the relevance of the initiative and the timeliness of your vision in taking the project for the Alliance of Civilizations forward within the United Nations framework.

We would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 42 and 43.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative of Turkey to the United Nations

(*Signed*) Juan Antonio **Yáñez-Barnuevo**
Ambassador
Permanent Representative of Spain to the United Nations

06-23674 (E) 090206

Annex to the letter dated 7 February 2006 from the Permanent Representatives of Spain and Turkey to the United Nations addressed to the Secretary-General

Article entitled "A Call for Respect and Calm", co-authored by the Prime Ministers of Turkey and Spain, Recep Tayyip Erdoğan and José Luis Rodríguez Zapatero and published in the *International Herald Tribune* on 6 February 2006

With growing concern, we are witnessing an escalation in the disturbing tensions provoked by the publication, in European newspapers, of caricatures of the Prophet Muhammad which Muslims consider deeply offensive. We shall all be the losers if we fail to immediately defuse this situation, which can only leave a trail of mistrust and misunderstanding between both sides in its wake. Therefore, it is necessary to make an appeal for respect and calm, and let the voice of reason be heard.

Last year, when the Heads of Government of Turkey and Spain presided over the launching of work on the Alliance of Civilizations project, we did so based on a firm belief: that we needed initiatives and instruments to stop the spiral of hatred and obfuscation which, in itself, constitutes a threat to international peace and security.

The unfortunate events that we are seeing now only reaffirm our diagnosis and our commitment to seeking even more support for this cause.

Historically, Spain and Turkey have been at the crossroads between East and West. Therefore, we are very much aware that the way in which close contact between different cultures is handled can be enormously enriching, but it can also set off destructive contentions.

In a globalized world, in which the relationships and exchanges among different civilizations continue to multiply, and in which a local incident may have worldwide repercussions, it is vital that we cultivate the values of respect, tolerance and peaceful coexistence.

Freedom of expression is one of the cornerstones of our democratic systems and we shall never relinquish it. But there are no rights without responsibility and respect for different sensibilities. The publication of these caricatures may be perfectly legal, but it is not indifferent and thus ought to be rejected from a moral and political standpoint.

In the end, all of this lends itself to misunderstandings and misrepresentations of cultural differences that are perfectly in harmony with our commonly shared values. Ignoring this fact usually paves the way for mistrust, alienation and anger, all of which may result in undesirable consequences that we all have to work hard to avoid.

The only way for us to build a more just international system is through maximum respect for the beliefs of both sides. We are fully committed to observing the norms of international law and to the defence of the international organizations that embody it. But neither laws nor institutions are enough to ensure peace in the world.

We need to cultivate peaceful coexistence, which is possible only when there is interest in understanding the other side's point of view, and respect for that which it holds most sacred. These are the basic premises and main goals of the Alliance of Civilizations promoted by Spain and Turkey.

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Sixtieth session
Agenda item 122
Review of the efficiency of the administrative and financial functioning of the United Nations

Strengthening the investigation functions in the United Nations

Note by the Secretary-General

1. In its resolution 59/287, the General Assembly requested implementation of a number of measures to strengthen the investigation functions in the United Nations. The purpose of the present note is to inform the Assembly of the progress made to date.

2. In paragraph 12 of the resolution, the General Assembly requested the Secretary-General to establish an administrative mechanism for the mandatory reporting by programme managers of allegations of misconduct to the Office of Internal Oversight Services and to report on the establishment of such a mechanism to the Assembly at the resumed part of its sixtieth session.

3. Full implementation of the request requires a considerable change in existing procedures and the establishment of a supporting information tool. Shortly after the adoption of resolution 59/287, and in view of the special focus on sexual exploitation and abuse and other misconduct in field missions, the Office of Internal Oversight Services, the Department of Peacekeeping Operations and the Office of Human Resources Management addressed in the first place the need for procedures to ensure prompt reporting to the Office of Internal Oversight Services of cases arising in field missions. Interim procedures and protocols have been put into place and are currently being reviewed to address the issues that have arisen so far in their implementation. Once this is done, and learning from the experience already gained, the Office of Internal Oversight Services, the Department of Management and the Department of Peacekeeping Operations will work, in consultation with other stakeholders, on a mechanism that would apply Secretariat-wide.

4. A database is being designed as an information tool to improve the reporting, monitoring and tracking of misconduct in peacekeeping field missions.

06-23687 (E) 130206

5. In paragraph 15 of the resolution, the General Assembly requested the Secretary-General to ensure that an appropriate mechanism is in place to protect staff members who report misconduct within the Secretariat against retaliation. This was done by the issuance of Secretary-General's bulletin ST/SGB/2005/21 on 19 December 2005, which put into place a comprehensive system of protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

6. In paragraph 17 of the resolution, the General Assembly requested the Secretary-General to ensure that all staff of the Organization are informed of the most common examples of misconduct and/or criminal behaviour and their disciplinary consequences, including any legal action, with due regard to the protection of the privacy of the staff member(s) concerned. This was done by the issuance on 30 August 2005 of information circular ST/IC/2005/51 on the practice of the Secretary-General in disciplinary matters.

7. A full report on the implementation of resolution 59/287 will be submitted to the General Assembly at its sixty-first session.

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Agenda items 122, 132 and 136

Review of the efficiency of the administrative and financial functioning of the United Nations

Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Letter dated 6 February 2006 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have been requested by the Member States of the Group of 77 and China to bring to your attention their concerns with regard to recent statements and briefings by senior officials of the Secretariat to the media. You will recall that this is not the first time that the Group is raising this matter with you and that similar concerns were expressed in its letter dated 6 October 2005 addressed to you.

The Group of 77 and China also expressed these concerns with the Deputy Secretary-General on 30 January 2006 when she provided the informal working group of the plenary on Secretariat and management reform with a report on the status of the exercise to review the staff and financial policies, regulations and rules. On that occasion, the Group of 77 and China made it clear that the recent trend of senior Secretariat officials bypassing the General Assembly and briefing the press on matters pertaining to the work of the Organization, in particular regarding allegations of mismanagement, fraud and corruption, was not helpful and undermined the oversight role of Member States and the Assembly. It was counterproductive to our efforts to ensure trust and an open channel of communication between Member States and the Secretariat.

The Group of 77 and China take all allegations of abuse, fraud and mismanagement in the Secretariat with the utmost seriousness. It is for this reason that the Group had proposed that the Office of Internal Oversight Services undertake, as a matter of priority, a comprehensive audit report to review the practices of the Department of Peacekeeping Operations and identify areas of risk and exposure to fraud and abuse of authority in the operational areas, including those relating to procurement. This proposal was later adopted through consensus by

06-23744 (E) 100206

the entire membership of the Fifth Committee and was reflected in General Assembly resolution 59/296.

However, the recent comments to the media by a senior Secretariat official about the contents of the draft audit report of the Office of Internal Oversight Services, even before the report was brought to the attention of the General Assembly, raises serious questions about the propriety in the conduct and impartiality of some Secretariat officials. It was also done without due regard for intergovernmental processes or the reputation of the United Nations. Such actions, in our view, are a clear contravention of the staff rules and regulations of the Organization and the provisions of the Charter of the United Nations, which require the staff of the Secretariat, regardless of their seniority and nationality, to be politically neutral and refrain from any action inconsistent with their status as international civil servants responsible to the Organization.

The Group of 77 and China wish to urge you to take the necessary measures to ensure that the officials concerned respect the regulations and rules and desist from such practices with immediate effect.

We further wish to unequivocally state that accountability within the United Nations should not be applied in a selective manner and that all staff, especially at senior management levels, should be held accountable for any mismanagement that arises. We have learned from recent press briefings and news articles that several Secretariat officials have been placed on administrative leave based on the findings of an internal audit report of the Office of Internal Oversight Services and pending further investigations. The Group of 77 and China believe that all staff, regardless of their rank, must be accorded due process in the investigations. However, the Group has been informed that none of the Secretariat officials who were suspended were given a copy of the report prior to the administrative action taken against them. This action made it difficult for the staff in question to mount a defence before they were placed on administrative leave. Moreover, since the audit report was primarily focused on the Department of Peacekeeping Operations, it raises a concern as to why similar action was not taken against officials who may have direct supervision and authority over procurement in the Department.

The Group of 77 and China, furthermore, wish to convey their concerns regarding the recent tendency of senior Secretariat officials to commission consultants to conduct studies and produce findings without the prior consultation and approval of the General Assembly. The oversight role of the Assembly should not be replaced by their commissioning of investigations, reviews and studies, in particular where neither the study nor the associated resources have been mandated by the Assembly. At a time when Member States are engaged in strengthening the role of the Office of Internal Oversight Services, such actions seriously undercut and undermine the mandate of that Office regarding the undertaking of audits and investigations. The Group of 77 and China would like to stress that findings in reports received from consultants would have to be presented and evaluated by the Assembly, in particular where they allege that serious deficiencies in the accountability framework exist.

The Group of 77 and China support your effort to promote a culture of ethics in the Organization and wish to urge you to make every effort to curb these unhealthy trends, which are not conducive to the ongoing efforts of Member States and the Secretariat alike to reform and strengthen the Organization. We would like

to emphasize that allegations of wrongdoing must be investigated promptly and dealt with in a fair manner and that due process be observed, in accordance with the established system for the administration of justice.

The Group of 77 and China believe that we would be able to address many of these concerns if we engage in an ongoing dialogue with you. It is only through dialogue that we will be able to resolve these matters and avoid their recurrence in future. We, therefore, look forward to receiving your response to the matters raised in the present letter. The Group of 77 and China, furthermore, wish to add that United Nations reform is important to the entire membership of the Organization. In view of the complexity of the issues and the delicate nature of the process, we believe that it is our collective responsibility to ensure that United Nations reform succeeds. We should not let individual actions, especially by a few senior Secretariat officials, undermine it.

On behalf of the Group of 77 and China, I kindly request that the present letter be distributed as a document of the General Assembly under the relevant agenda items allocated to the Fifth Committee.

(*Signed*) Dumisani S. **Kumalo**
Ambassador
Permanent Representative of the Republic of South Africa
to the United Nations
Chairman of the Group of 77

United Nations A/60/676

General Assembly

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English
Original: Spanish

Sixtieth session
Agenda item 18
Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Letter dated 8 February 2006 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to address you in order to transmit the following statement by the Permanent Mission of Cuba to the United Nations concerning the expulsion of a group of Cuban businessmen from the Hotel María Isabel Sheraton in Mexico City on 3 February 2006 in application of what is known as the Helms-Burton Act, one of the provisions of the unjust and criminal embargo imposed by the United States of America against Cuba (see annex).

This disgraceful incident offers one of the most convincing examples of the extraterritorial character of the United States embargo against our nation. This was confirmed by the recent statements of United States Department of State spokesman Sean McCormack, who, in answering questions from the press about the incident, said that United States law applied to United States corporations or their subsidiaries no matter where they might be, whether in Mexico City or in Europe or South America.

In our view, it is essential to keep all the States Members of the United Nations duly informed of such incidents, which once again expose the disdain of the United States Government for international law and for the expressed will of the General Assembly of the United Nations, which on 8 November 2005 once again adopted by an overwhelming majority resolution 60/12 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

I should appreciate it if this statement could be circulated as a document of the General Assembly under agenda item 18, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

(*Signed*) Rodrigo **Malmierca**
Ambassador
Permanent Representative

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Annex to the letter dated 8 February 2006 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Permanent Mission of Cuba to the United Nations

The tentacles of the embargo and the criminal economic war waged by the Government of the United States of America against Cuba are ready to reach into any spot on earth, even to the detriment of the sovereignty and laws of other States.

So it proved recently in Mexico, where a Cuban business delegation was evicted from the Hotel María Isabel Sheraton in the Federal District on the express orders of the United States Treasury Department.

There a meeting was scheduled with major United States firms and corporations interested in the potential of the energy market in the largest of the Caribbean islands.

Organized by the U.S.-Cuba Trade Association, the meeting was open to the press and was attended by executives from Valero Energy Corporation, the largest refiner in the United States, the National Foreign Trade Council and companies such as ExxonMobil and Caterpillar. Representatives from the Louisiana Department of Economic Development and the Texas Port of Corpus Christi were also to participate.

The Cuban delegation was made up of 16 officials, headed by Raúl Pérez del Prado, Deputy Ministry of Basic Industry, who were expelled from the Hotel María Isabel Sheraton this past Friday. The hotel's management confiscated the deposit that the Cuban mission had paid for a three-night stay and forwarded it to swell the sum of Cuban funds, amounting to millions of dollars that the United States Government illegally and arbitrarily holds frozen in North American banks.

The United States businessmen attending the meeting criticized the Washington-ordered eviction of the Cuban delegation.

The Sheraton Hotel, which is located on the Paseo de la Reforma in the Federal District of Mexico and owned by the firm of Starwood Hotels and Resorts Worldwide with headquarters in Phoenix, Arizona, cancelled a contract back in 1992 with the then National Tourism Institute of Cuba, on the grounds that the Torricelli Act prohibited United States corporations and their subsidiaries from establishing trade ties with Cuba.

On this occasion, company spokesperson Ellen Gallo said that the Office of Foreign Assets Control (OFAC) of the United States Treasury Department had ordered the company to apply the Helms-Burton Act in its hotel in the Mexican capital. Gallo acknowledged that the money the Cuban delegation had paid the hotel had been sent to OFAC by the express order of that agency.

According to the daily newspaper *El Universal*, the spokesperson for the United States embassy, Judith Bryan, argued that since the hotel was owned by a United States company the hotel was obliged to comply with United States law.

In view of the affront, the Cuban-United States meeting, the sixth to bring together business people of both nations, had to be continued in the Hotel Colón Misión, where Deputy Minister Pérez del Prado denounced to the press the absurd, disgraceful and irrational incident at the Sheraton and stressed how strange it seemed that United States laws should be applied extraterritorially in the sister republic of Mexico.

For the Cubans, the OFAC order, which went so far as to deny the Cuban delegation the right to have a meal or even to move about the corridors of the Sheraton, came as no surprise.

For more than 46 years Cuba has confronted the inhuman and criminal blockade, which has been criticized in the United Nations General Assembly by a vote of 182 countries, including Mexico.

The longest embargo in history is a shameful thing for an imperial power that sets itself up as policemen to the world and seeks to subdue 11 million Cubans with a chokehold. But it is also an affront to the sovereignty of the people of Benito Juárez, who themselves have suffered directly from the voracity of their powerful neighbour.

Once again, imperial pride and arrogance aimed to cut short a respectful and fruitful encounter between citizens of the two nations. It is a reflection of its impotence to quell the rising opposition manifested by broad sectors of the United States to this foolish and criminal policy. It is an expression of fear of the strength of the revolution, its economic prospects and the success of the energy strategy that is revolutionizing the country. The current Administration of the United States of America reveals itself increasingly as full of hatred, mean-spirited and capable of a repugnant and cowardly pettiness.

New York, 9 February 2006

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General Assembly

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Sixtieth session
Agenda item 124
Programme budget for the biennium 2006-2007

Information and communication technology security, business continuity and disaster recovery

Note by the Secretariat*

1. It is recalled that in his report A/59/365/Add.1 and Corr.1, the Secretary-General had estimated, based on preliminary work, that the total requirements for the establishment and maintenance of a global business continuity and disaster recovery capability for the Organization, including those for peacekeeping and special political missions, could be in the range of from 30 million to 35 million United States dollars. A technical study was proposed at that time to validate the preliminary work, refine the business requirements, evaluate alternate solutions and identify the infrastructure and support resources needed to set up and operate the required system. In its resolution 59/276 of 23 December 2004, section XI, paragraph 47, the General Assembly had requested the Secretary-General to submit to the Assembly at its sixtieth session the results of the technical study on information and communication technology security, business continuity and disaster recovery, with detailed costing and a timetable.

2. In order to specifically address the General Assembly's request for a detailed proposal, the Secretariat initiated a comprehensive review of the issues associated with the establishment of the global business continuity and disaster recovery capability, including risk assessment and a business impact analysis survey. In the course of the study, the infrastructure, systems and applications, and other critical business instruments for each duty station, were reviewed and verified in the context of the project requirements. The requirements were balanced with the global business continuity and disaster recovery strategy of the Organization to set a global operational framework. The operational framework requirements for the project are based on the following organizational objectives:

* The timing of the issuance of the present note reflects the need to have undertaken extensive analysis of alternatives allowing for potential cost-saving measures.

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(a) The ability of the principal organs to conduct crucial meetings;

(b) The ability to maintain information and communication technology services;

(c) Ensuring continuity of key financial transactions;

(d) Sustaining communications with the staff and the permanent missions of Member States.

3. The findings of the study indicated the possibility of meeting the operational objectives by building upon the existing information and communication technology infrastructure of the Secretariat, taking into account opportunities to leverage previous investment (existing infrastructure), improving capacity and maintainability while at the same time achieving economies of scale, and building a common pool of skills. Based on the outcome of the study, it was recognized that further analysis of possible "value-engineering" alternatives so as to identify potential cost-saving measures would be required. Those alternatives include such approaches as a potential consolidation, outsourcing and offshoring of the information and communication technology operations. These approaches may yield cost savings by creating opportunities for cost-sharing, reducing operating and labour costs, and minimizing duplication of effort. These analyses would also take into account the ongoing security projects being undertaken by the Department of Safety and Security.

4. The full potential of the financial opportunities of the approaches was not sufficiently seen at the time of preparation of the previous reports of the Secretary-General (A/59/365 and Corr.1 and Add.1 and Add.1/Corr.1). To enable the results of the full scope of work involved in the cost-benefit analysis and identification of possible cost-saving approaches to be reported to the General Assembly, the Secretary-General proposes to submit his comprehensive report on the project to the Assembly at its sixty-first session. In terms of the resources involved, the finalization of the project scope, its timetable and cost estimates would be undertaken largely from within the existing resources approved for the current biennium under section 28D, Office of Central Support Services. As necessary, the existing capacity of the Office would be supplemented by independent external specialized expertise on an as-required basis. To the extent possible, these external specialized requirements, estimated in the amount of $250,000, will be accommodated from within the overall resources approved for the biennium 2006-2007 under section 28D and reported as necessary in the context of the performance report for the biennium.

5. **The Secretary-General recommends that the General Assembly endorse the course of action proposed in the present note.**